

REMARKS

Favorable consideration and allowance are requested for claims 7, 8, and 10 in view of the following remarks.

Status of the Application

Claims 7, 8, and 10 are pending in this application. Claims 1-6 were previously withdrawn. Claim 9 was previously canceled. Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent No. 5,293,163 to Kakiyama *et al.* (the “Kakiyama patent”) in view of Japanese Patent Publication No. JP 11-281378 to Mizushima (the “Mizushima publication”) and U.S. Patent No. 6,870,487 to Nuesser *et al.* (the “Nuesser patent”). Claims 8 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable by Kakiyama patent in view of the Mizushima publication and the Nuesser patent and U.S. Patent No. 5,874,905 to Nanba *et al.* (the “Nanba patent”).

Rejections under 35 U.S.C. § 103(a)

According to the Examiner, the combination of the Kakiyama patent, the Mizushima publication, and the Nuesser patent renders claim 7 obvious. In particular, the Examiner acknowledged the Kakiyama patent and the Mizushima publication “fail to specifically disclose a reliability of the traffic jam statistical information.” Office Action of September 12, 2008 at 3. The Examiner asserted, however, that the Nuesser patent “discloses a statistical reliability of a traffic information” and that it would be obvious to combine the Nuesser patent with the teachings of the Kakiyama patent and the Mizushima publication. *Id.*

Applicant acknowledges that the Nuesser patent discloses “a statistical reliability of a traffic information item” (col. 12, lines 25-26) and “indicating the statistical reliability to a user of a receiving motor vehicle” (col. 12, lines 30-31). However, none of the cited references, either alone or in combination, disclose a significant advantage provided by the present invention – namely, that it is convenient for a driver to be simultaneously presented with both the traffic jam statistical information and the reliability of the same so that the driver can make appropriate driving decisions:

Thus, a user can easily grasp an intersection and road zone that are routinely and chronically jammed by displaying statistical traffic jam information on a map. In addition, *he/she can also grasp a traffic jam frequent occurrence point and an average traffic jam degree in more detail by being provided with the traffic jam statistical information* with respect to each season, weather, and road surface condition, or each Sunday/holiday/weekday and time zone. Moreover, the user can make a judgment reference showing what extent he/she can rely on provided information by the reliability of the traffic jam statistical information being added. Still moreover, by analyzing traffic jam increase/decrease trend information in the server whether a present traffic jam extends or diminishes hereafter and providing the information with the user, it becomes possible for him/her to easily judge whether or not to evade the traffic jam.

See specification at page 35, line 26 to page 36, line 12 (emphasis added).

For at least these reasons, Applicants respectfully submit that the rejection of claim 7 should be withdrawn. Further, as the Namba patent does not disclose the subject matter missing from the Kakiyama patent, the

Mizushima publication, and the Nuesser patent with respect to claim 7, the rejection of claims 8 and 10 should be withdrawn as well.

* * * * *

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 029118.53153US).

Respectfully submitted,

Date: December 10, 2008

/Michael H. Jacobs/
Michael H. Jacobs
Registration No. 41,870

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
MHJ:msy